

REMARKS

Claims 1-12 are pending. Claims 13-20 are withdrawn. Claims 1-4 are rejected under 35 U.S.C. § 102(b) based upon us Patent No. 5,914,522 issued to Aiello et al. Aiello is directed to VIPower technology. The device is made from a chip of N-type semiconductor material comprising a bipolar or field-effect vertical power transistor. The power transistor has a collector or drain region in the N-type material. The semiconductor structure comprises a PNP bipolar lateral power transistor having a base region in the N-type material in common with the collector or drain region of the vertical power transistor.

Claim 1 is directed to an implantable medical device that includes "a semiconductor substrate; an epitaxial layer overlying the semiconductor substrate; a power transistor formed in the epitaxial layer having a first electrode, a control electrode, and a second electrode wherein a breakdown voltage of the power transistor is greater than 100 volts and wherein current flow of the transistor is vertical through the epitaxial layer to the semiconductor substrate; a backside contact coupling to the first electrode of the power transistor, at least one deep trench etched through the epitaxial layer exposing the semiconductor substrate wherein the at least one deep trench is etched in an area outside the high voltage termination region; and a first electrode contact region coupling to the semiconductor substrate exposed by the at least one deep trench, the first electrode contact region overlying the epitaxial layer. The United States Patent & Trademark Office (USPTO) admitted that Aiello does not disclose teach or suggest the limitation from claim 5, which was included in amended claim 1. Instead, the USPTO asserts that US Patent Publication No. 20030213605 by Brendel et al. teaches this element. Applicants created their invention before Brendel. Support for Applicants assertion is found in the attached affidavits, invention disclosure statement, and notes. Applicants also assert that the USPTO has not met its burden of establishing a motivation to combine references. In particular, Applicants assert that the USPTO used Applicants claims as a blue print and then merely used a limitation-by-limitation reference-by reference analysis to establish its obviousness rejection. The

Federal Circuit has rejected such analysis. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Respectfully submitted,

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Date

/Carol F. Barry/
Carol F. Barry
Reg. No. 41,600
(763) 514-4673
Customer No. 27581